

Assembly Bill No. 2911

CHAPTER 422

An act to amend Sections 303.5, 2052, 2053, 2155.3, 2157.2, 2223, 2224, 2300, 3007, 3019.5, 3021.5, 3022, 3023, 4101, 9050, 9054, 9067, 9068, 9069, 9081, 9082, 9082.5, 9082.7, 9083, 9083.5, 9084, 9085, 9086, 9087, 9088, 9089, 9090, 9092, 9093, 9094, 9094.5, 9095, 9096, 9160, 9162, 9163, 9280, 9282, 9285, 9286, 9312, 9313, 9314, 9315, 9316, 9402, 9501, 10531, 11324, 11325, 11327, 13118, 13244, 13263, 13300, 13300.5, 13300.7, 13302, 13303, 13305, 13306, 13307, 13307.5, 13312, 13314, 13315, 13316, 13317, 14219, 18301, 18390, 19202, 19321, 19323, and 20009 of, to amend the heading of Article 7 (commencing with Section 9080) of Chapter 1 of Division 9 of, and to amend the heading of Chapter 4 (commencing with Section 13300) of Division 13 of, the Elections Code, relating to voting.

[Approved by Governor September 21, 2016. Filed with
Secretary of State September 21, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2911, Committee on Elections and Redistricting. Voting: voter information guides.

Under existing law, numerous provisions related to voting refer to ballot pamphlets, state ballot pamphlets, voter pamphlets, statewide voter pamphlets, and sample ballots.

This bill would replace these terms with state voter information guide, county voter information guide, and voter information guide, as appropriate, and make necessary conforming changes. The bill would also make technical, nonsubstantive changes to these provisions.

Existing law prohibits a voting system from being used, and prohibits a jurisdiction from purchasing or contracting for a voting system, unless the voting system has received the approval of the Secretary of State. Existing law authorizes a vendor or county that has submitted a voting system for federal qualification before September 1, 2013, and has obtained federal qualification before January 1, 2015, to request approval from the Secretary of State based on the examination and review requirements in place before January 1, 2014.

This bill would remove the requirement that a voting system be submitted for federal qualification before September 1, 2013, and would change the date by which the voting system is required to receive federal qualification to April 28, 2016, in order for a vendor or county to request the Secretary of State to approve a voting system using the examination and review requirements in place before January 1, 2014.

This bill would incorporate additional changes to Section 3019.5 of the Elections Code, proposed by AB 2089, that would become operative only if this bill and AB 2089 are both chaptered and this bill is chaptered last.

This bill would incorporate additional changes to Sections 13307 and 13312 of the Elections Code, proposed by AB 2010, that would become operative only if this bill and AB 2010 are both chaptered and this bill is chaptered last.

The people of the State of California do enact as follows:

SECTION 1. Section 303.5 of the Elections Code is amended to read:

303.5. (a) “Ballot title” is the name of a statewide measure included in the ballot label and the ballot title and summary.

(b) “Ballot title and summary” means the summary of the chief purpose and points including the fiscal impact summary of any measure that appears in the state voter information guide. The ballot title and summary shall include a statement of the measure’s fiscal impact. The ballot title and summary shall not exceed 100 words, not including the fiscal impact statement.

(c) (1) “Circulating title and summary” means the text that is required to be placed on a petition for signatures that is either one of the following:

(A) The summary of the chief purpose and points of a proposed initiative measure that affects the Constitution or laws of the state, and the fiscal impact of the proposed initiative measure.

(B) The summary of the chief purpose and points of a referendum measure that affects a law or laws of the state.

(2) The circulating title and summary shall not exceed 100 words, not including the fiscal impact summary.

SEC. 2. Section 2052 of the Elections Code is amended to read:

2052. It is the intent of the Legislature to promote the fundamental right to vote of visually impaired individuals, and to make efforts to improve public awareness of the availability of state voter information guide audio recordings and improve their delivery to these voters.

SEC. 3. Section 2053 of the Elections Code is amended to read:

2053. The Secretary of State shall establish a Voting Accessibility Advisory Committee. The Secretary of State shall consult with the committee and consider the committee’s recommendations related to improving the accessibility of elections for voters with disabilities. The Secretary of State may implement the committee’s recommendations as he or she deems appropriate.

(a) The committee shall consist of the Secretary of State, his or her designees, and additional members appointed by the Secretary of State. The appointees shall have demonstrated experience with accessibility requirements for voters with disabilities or be a county elections official.

(b) The committee shall serve in an advisory capacity to the Secretary of State and shall do all of the following:

(1) Establish guidelines for reaching as many voters with disabilities as practical.

(2) Make recommendations for improving the availability and accessibility of election materials, including, but not limited to, state voter information guides, county voter information guides, and vote-by-mail ballots, and their delivery in print or alternative formats to voters with disabilities.

(3) Increase the distribution of public service announcements identifying the availability of election materials for voters with disabilities at least 45 days before any federal, state, and local election.

(4) Make recommendations for improving the accessibility of election materials made available on Internet Web sites that are in compliance with the most current, ratified standards under Section 508 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794d), as amended, and the Web Content Accessibility Guidelines 2.0 adopted by the World Wide Web Consortium for accessibility.

(5) Promote the Secretary of State's toll-free voter registration telephone line for citizens needing voter registration information, including information for individuals with disabilities, and the California State Library and regional library services for individuals who are unable to read conventional print due to a visual, intellectual, learning, physical, or any other disability.

(6) Make recommendations for providing voters with disabilities the same access and participation as is provided to other voters who are not disabled, including the ability to vote privately and independently.

(7) Establish subcommittees to further the scope and purposes of the committee as they relate to improving voter services and access for individuals with disabilities, including, but not limited to, visually impaired voters and deaf or hard of hearing voters.

(8) Promote the use of plain language and alternative formats for election materials.

(9) Make recommendations for materials to train poll workers on issues related to serving voters with disabilities and providing accessible voting locations.

(c) A member shall not receive compensation, but each member shall be reimbursed for his or her reasonable and necessary expenses in connection with service on the committee.

SEC. 4. Section 2155.3 of the Elections Code, as added by Section 4 of Chapter 619 of the Statutes of 2014, is amended to read:

2155.3. (a) In lieu of the voter notification required by Section 2155, a person under 18 years of age who submits an affidavit of registration pursuant to Section 2101 or subdivision (d) of Section 2102, as amended by Chapter 619 of the Statutes of 2014, shall be sent a voter preregistration notice upon a determination that the affidavit of registration is properly executed and that the person otherwise satisfies all eligibility requirements to vote, except that he or she is under 18 years of age. The county elections official shall send the voter preregistration notice by nonforwardable, first-class mail, address correction requested.

(b) The voter preregistration notice required by subdivision (a) shall be substantially in the following form:

VOTER PREREGISTRATION NOTICE

Thank you for registering to vote. You may vote in any election held on or after your 18th birthday.

Your party preference is: (Name of political party)

Before any election in which you are eligible to vote, you will receive a state voter information guide and county voter information guide by mail.

If the information on this card is incorrect, please contact our office or update your registration at the Internet Web site of the Secretary of State.

SEC. 5. Section 2155.3 of the Elections Code, as amended by Section 29 of Chapter 728 of the Statutes of 2015, is amended to read:

2155.3. (a) In lieu of the voter notification required by Section 2155, a person under 18 years of age who submits an affidavit of registration pursuant to Section 2101 or subdivision (d) of Section 2102, as amended by Chapter 619 of the Statutes of 2014, shall be sent a voter preregistration notice upon a determination that the affidavit of registration is properly executed and that the person otherwise satisfies all eligibility requirements to vote, except that he or she is under 18 years of age. The county elections official shall send the voter preregistration notice by nonforwardable, first-class mail, address correction requested.

(b) The voter preregistration notice required by subdivision (a) shall be substantially in the following form:

VOTER PREREGISTRATION NOTICE

Thank you for preregistering to vote. You may vote in any election held on or after your 18th birthday.

Your party preference is: (Name of political party)

Before any election in which you are eligible to vote, you will receive a state voter information guide and county voter information guide by mail.

If the information on this card is incorrect, please contact our office or update your preregistration at the Internet Web site of the Secretary of State.

SEC. 6. Section 2157.2 of the Elections Code is amended to read:

2157.2. In order that a voter be fully informed of the permissible uses of personal information supplied by him or her for the purpose of completing a voter registration affidavit, local elections officials shall post on any local elections official's Internet Web site relating to voter information, and the Secretary of State shall print in the state voter information guide and post on his or her Internet Web site, a statement identical or substantially similar to the following:

"Information on your voter registration affidavit will be used by elections officials to send you official information on the voting process, such as the

location of your polling place and the issues and candidates that will appear on the ballot. Commercial use of voter registration information is prohibited by law and is a misdemeanor. Voter information may be provided to a candidate for office, a ballot measure committee, or other persons for election, scholarly, journalistic, political, or governmental purposes, as determined by the Secretary of State. Driver's license and social security numbers, or your signature as shown on your voter registration card, cannot be released for these purposes. If you have any questions about the use of voter information or wish to report suspected misuse of such information, please call the Secretary of State's Voter Protection and Assistance Hotline.

"Certain voters facing life-threatening situations may qualify for confidential voter status. For more information, please contact the Secretary of State's Safe At Home program or visit the Secretary of State's Internet Web site."

SEC. 7. Section 2223 of the Elections Code is amended to read:

2223. (a) In lieu of mailing a residency confirmation postcard to each registered voter in the county, the county elections official may include the return address of the county elections official's office on the outside portion of the county voter information guide or county voter information guide envelope mailed to the voter for an election conducted within the last six months preceding the start of the confirmation process, along with the statements "Address Correction Requested" and "Notice: If the person named on the county voter information guide is not at the address, please help keep the voter rolls current and save taxpayer dollars by returning this county voter information guide to your mail carrier."

(b) A voter not eligible for an election during the last six months preceding the start of the confirmation process, or a voter not mailed a county voter information guide with an address correction requested, shall have his or her address confirmed by either a residency confirmation postcard or an address verification mailing conducted pursuant to this article using NCOA/Operation Mail data pursuant to Section 2222 or consumer credit reporting agency data pursuant to Section 2227.

SEC. 8. Section 2224 of the Elections Code, as amended by Section 54 of Chapter 76 of the Statutes of 2013, is amended to read:

2224. (a) If a voter has not voted in an election within the preceding four years, and his or her residence address, name, or party affiliation has not been updated during that time, the county elections official may send an alternate residency confirmation postcard. The use of this postcard may be sent subsequent to NCOA or county voter information guide returns, but shall not be used in the residency confirmation process conducted under Section 2220. The postcard shall be forwardable, including a postage-paid and preaddressed return form to enable the voter to verify or correct the address information, and shall be in substantially the following form:

"If the person named on the postcard is not at this address, PLEASE help keep the voter rolls current and save taxpayer dollars by returning this postcard to your mail carrier."

"IMPORTANT NOTICE"

“According to our records you have not voted in any election during the past four years, which may indicate that you no longer reside in ____ County. If you continue to reside in this county you must confirm your residency address in order to remain on the active voter list and receive election materials in the mail.”

“If confirmation has not been received within 15 days, you may be required to provide proof of your residence address in order to vote at future elections. If you no longer live in ____ County, you must reregister at your new residence address in order to vote in the next election. California residents may obtain a mail registration form by calling the county elections office or the Secretary of State’s office.”

(b) The use of a toll-free number to confirm the old residence address is optional. A change to a voter’s address shall be received in writing.

(c) A county using the alternate residency confirmation procedure shall notify all voters of the procedure in the county voter information guide or in a separate mailing.

SEC. 9. Section 2224 of the Elections Code, as amended by Section 67 of Chapter 728 of the Statutes of 2015, is amended to read:

2224. (a) If a voter has not voted in an election within the preceding four years, and his or her residence address, name, or party preference has not been updated during that time, the county elections official may send an alternate residency confirmation postcard. The use of this postcard may be sent subsequent to NCOA or county voter information guide returns, but shall not be used in the residency confirmation process conducted under Section 2220. The postcard shall be forwardable, including a postage-paid and preaddressed return form to enable the voter to verify or correct the address information, and shall be in substantially the following form:

“If the person named on the postcard is not at this address, PLEASE help keep the voter rolls current and save taxpayer dollars by returning this postcard to your mail carrier.”

“IMPORTANT NOTICE”

“According to our records you have not voted in any election during the past four years, which may indicate that you no longer reside in ____ County. If you continue to reside in California you must confirm your residency address in order to remain on the active voter list and receive election materials in the mail.”

“If confirmation has not been received within 15 days, you may be required to provide proof of your residence address in order to vote at future elections.”

(b) The use of a toll-free number to confirm the old residence address is optional. A change to a voter’s address shall be received in writing.

(c) A county using the alternate residency confirmation procedure shall notify all voters of the procedure in the county voter information guide or in a separate mailing.

SEC. 10. Section 2300 of the Elections Code is amended to read:

2300. (a) All voters, pursuant to the California Constitution and this code, shall be citizens of the United States. There shall be a Voter Bill of

Rights for voters, available to the public, which shall convey all of the following to voters:

(1) (A) You have the right to cast a ballot if you are a valid registered voter.

(B) A valid registered voter means a United States citizen who is a resident in this state, who is at least 18 years of age and not in prison or on parole for conviction of a felony, and who is registered to vote at his or her current residence address.

(2) You have the right to cast a provisional ballot if your name is not listed on the voting rolls.

(3) You have the right to cast a ballot if you are present and in line at the polling place before the close of the polls.

(4) You have the right to cast a secret ballot free from intimidation.

(5) (A) You have the right to receive a new ballot if, before casting your ballot, you believe you made a mistake.

(B) If at any time before you finally cast your ballot, you feel you have made a mistake, you have the right to exchange the spoiled ballot for a new ballot. Vote by mail voters may also request and receive a new ballot if they return their spoiled ballot to an elections official before the closing of the polls on election day.

(6) You have the right to receive assistance in casting your ballot, if you are unable to vote without assistance.

(7) You have the right to return a completed vote by mail ballot to any precinct in the county.

(8) You have the right to election materials in another language, if there are sufficient residents in your precinct to warrant production.

(9) (A) You have the right to ask questions about election procedures and observe the election process.

(B) You have the right to ask questions of the precinct board and elections officials regarding election procedures and to receive an answer or be directed to the appropriate official for an answer. However, if persistent questioning disrupts the execution of their duties, the precinct board or elections officials may discontinue responding to questions.

(10) You have the right to report any illegal or fraudulent activity to a local elections official or to the Secretary of State's office.

(b) Beneath the Voter Bill of Rights there shall be listed a toll-free telephone number to call if a person has been denied a voting right or to report election fraud or misconduct.

(c) The Secretary of State may do both of the following:

(1) Develop regulations to implement and clarify the Voter Bill of Rights set forth in subdivision (a).

(2) Revise the wording of the Voter Bill of Rights as necessary to ensure the use of clear and concise language free from technical terms.

(d) The Voter Bill of Rights set forth in subdivisions (a) and (b) shall be made available to the public before each election and on election day, at a minimum, as follows:

(1) The Voter Bill of Rights shall be printed in the state voter information guide, pursuant to Section 9084, in a minimum of 12-point type. Subparagraph (B) of paragraph (1) of subdivision (a), subparagraph (B) of paragraph (5) of subdivision (a), and subparagraph (B) of paragraph (9) of subdivision (a) may be printed in a smaller point type than the rest of the Voter Bill of Rights.

(2) Posters or other printed materials containing the Voter Bill of Rights shall be included in precinct supplies pursuant to Section 14105.

SEC. 11. Section 3007 of the Elections Code is amended to read:

3007. The Secretary of State shall prepare and distribute to appropriate elections officials a uniform application format for a vote by mail voter's ballot that conforms to this chapter. This format shall be followed by all individuals, organizations, and groups who distribute applications for a vote by mail voter's ballot. The uniform format need not be used by elections officials in preparing a vote by mail voter's ballot application to be included with the county voter information guide.

SEC. 12. Section 3019.5 of the Elections Code is amended to read:

3019.5. (a) A county elections official shall establish a free access system that allows a vote by mail voter to learn if his or her vote by mail ballot was counted and, if not, the reason why the ballot was not counted. For each election, the elections official shall make the free access system available to a vote by mail voter upon completion of the official canvass and for 30 days after completion of the official canvas.

(b) For purposes of establishing the free access system for vote by mail ballots required by subdivision (a), a county elections official may use the free access system for provisional ballots established by the county pursuant to Section 302 of the federal Help America Vote Act of 2002 (52 U.S.C. Sec. 21082).

(c) If a county elections official elects not to mail a county voter information guide to a voter pursuant to Section 13305, the elections official shall use any savings achieved to offset the costs associated with establishing the free access system for vote by mail ballots required by subdivision (a).

SEC. 12.5. Section 3019.5 of the Elections Code is amended to read:

3019.5. (a) A county elections official shall establish a free access system that allows a vote by mail voter to learn if his or her vote by mail ballot was counted and, if not, the reason why the ballot was not counted. For each election, the elections official shall make the free access system available to a vote by mail voter upon completion of the official canvass and for 30 days after completion of the official canvas.

(b) For purposes of establishing the free access system for vote by mail ballots required by subdivision (a), a county elections official may use the free access system for provisional ballots established by the county pursuant to Section 302 of the federal Help America Vote Act of 2002 (52 U.S.C. Sec. 21082).

(c) If a county elections official elects not to mail a county voter information guide to a voter pursuant to Section 13305, the elections official

shall use any savings achieved to offset the costs associated with establishing the free access system for vote by mail ballots required by subdivision (a).

(d) In addition to establishing a free access system pursuant to subdivision (a), if a voter casts a vote by mail ballot, the county elections official shall, within 30 days after completion of the official canvass, notify the voter if his or her ballot was not counted. The notification shall include the reason the ballot was not counted.

SEC. 13. Section 3021.5 of the Elections Code is amended to read:

3021.5. (a) Upon the declaration of an out-of-state emergency by the Governor and the issuance of an executive order authorizing an out-of-state emergency worker to cast a ballot outside of his or her home precinct, a county elections official shall, upon request of an out-of-state emergency worker pursuant to this chapter, issue a vote by mail ballot to the out-of-state emergency worker using a process to be determined by that elections official. The process shall include all of the following:

(1) Authorization for an out-of-state emergency worker to request a vote by mail ballot after the close of the vote by mail ballot application period specified in Section 3001.

(2) Authorization for a vote by mail ballot and accompanying voting materials to be sent to an out-of-state emergency worker by mail, facsimile transmission, or electronic transmission, as requested by the out-of-state emergency worker. An elections official may use reasonable facsimiles of the county voter information guides sent to voters as vote by mail ballots.

(3) A requirement that an out-of-state emergency worker mark the vote by mail ballot provided to him or her, place it in the vote by mail ballot identification envelope, and return the vote by mail ballot to the elections official from whom it was obtained. If no identification envelope is provided, the envelope used to return the vote by mail ballot to the elections official shall include the information required by subdivision (a) of Section 3011 and a statement signed under penalty of perjury that the voter is an out-of-state emergency worker.

(b) In order to be counted, a vote by mail ballot cast pursuant to this section shall be received in compliance with Section 3020.

(c) An elections official shall receive and canvass vote by mail ballots cast pursuant to this section by the same procedure as for all other vote by mail ballots cast pursuant to this chapter.

SEC. 14. Section 3022 of the Elections Code is amended to read:

3022. The elections official shall include with the county voter information guide an application for a vote by mail ballot.

SEC. 15. Section 3023 of the Elections Code is amended to read:

3023. Each ballot that is delivered pursuant to this chapter shall be accompanied by a state voter information guide, unless the voter has already been provided a state voter information guide.

SEC. 16. Section 4101 of the Elections Code is amended to read:

4101. Notwithstanding Sections 13300 and 13303, the elections official shall not commence to mail the combined county voter information guide

and mail ballot before the 29th day before the election and shall complete the mailing by the 10th day before the election.

SEC. 17. Section 9050 of the Elections Code is amended to read:

9050. After the Secretary of State determines that a measure will appear on the ballot at the next statewide election, the Secretary of State shall promptly transmit a copy of the measure to the Attorney General. The Attorney General shall provide and return to the Secretary of State a ballot title and summary and ballot label for each measure submitted to the voters of the whole state by a date sufficient to meet the state voter information guide public display deadlines.

SEC. 18. Section 9054 of the Elections Code is amended to read:

9054. (a) Whenever a city, county, or city and county is required by Section 203 (52 U.S.C. Sec. 10503) or Section 4(f)(4) (52 U.S.C. Sec. 10303(f)(4)) of the federal Voting Rights Act of 1965 to provide a translation of ballot materials in a language other than English, the Secretary of State shall provide a translation of the ballot title and summary prepared pursuant to Sections 9050 and 9051 and of the ballot label prepared pursuant to Section 13247 in that language to the city, county, or city and county for each state measure submitted to the voters in a statewide election not later than 68 days before that election.

(b) When preparing a translation in a language other than English pursuant to subdivision (a), the Secretary of State shall consult with an advisory body consisting of language experts and nonpartisan organizations that advocate on behalf of, or provide services to, individuals that speak that language.

(c) All translations prepared pursuant to this section shall be made available for public examination in the same time and manner as the state voter information guide is made available for public examination in accordance with Section 88006 of the Government Code and Section 9092 of this code.

(d) The local elections official shall use that translation of the ballot label on the state voter information guide and the official ballot and may not select or contract with another person to provide translations of the same text.

SEC. 19. Section 9067 of the Elections Code is amended to read:

9067. If more than one argument for, or more than one argument against, a measure is filed within the time prescribed, the Secretary of State shall select one of the arguments for printing in the county voter information guides. In selecting the argument the Secretary of State shall give preference and priority in the order named to the arguments of the following:

(a) In the case of a measure submitted by the Legislature, Members of the Legislature.

(b) In the case of an initiative or referendum measure, the proponent of the measure.

(c) Bona fide associations of citizens.

(d) Individual voters.

SEC. 20. Section 9068 of the Elections Code is amended to read:

9068. (a) No more than three signatures shall appear with an argument printed in the state voter information guide. In case an argument is signed by more than three persons the signatures of the first three shall be printed.

(b) The Secretary of State shall provide, upon request, the name of, and a telephone number for, each signer of a ballot argument printed in the state voter information guide.

SEC. 21. Section 9069 of the Elections Code is amended to read:

9069. When the Secretary of State has received the arguments that will be printed in the state voter information guide, the Secretary of State, within five days of receipt of the arguments, shall send copies of the arguments in favor of the proposition to the authors of the arguments against and copies of the arguments against to the authors of the arguments in favor. The authors may prepare and submit rebuttal arguments not exceeding 250 words, or may authorize in writing another person or persons to prepare, submit, or sign the rebuttal argument. The rebuttal arguments shall be filed with the Secretary of State no later than a date to be designated by the Secretary of State.

Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument that it seeks to rebut.

SEC. 22. The heading of Article 7 (commencing with Section 9080) of Chapter 1 of Division 9 of the Elections Code is amended to read:

Article 7. State Voter Information Guide

SEC. 23. Section 9081 of the Elections Code is amended to read:

9081. There shall be a state voter information guide, that the Secretary of State shall prepare.

SEC. 24. Section 9082 of the Elections Code is amended to read:

9082. The Secretary of State shall cause to be printed as many state voter information guides as needed to comply with this code.

The state voter information guides shall be printed in the Office of State Printing unless the Director of General Services determines that the printing of the guides in the Office of State Printing cannot be done adequately, competently, or satisfactorily, in which case the Secretary of State, subject to the approval of the Director of General Services, shall contract with a private printing concern for the printing of all or a part of the guides.

Copy for preparation of the state voter information guides shall be furnished to the Office of State Printing at least 40 days before the date for required delivery to the elections officials as provided in Section 9094.

SEC. 25. Section 9082.5 of the Elections Code is amended to read:

9082.5. The Secretary of State shall cause to be produced an audio recorded version of the state voter information guide. This audio recorded version shall be made available in quantities to be determined by the Secretary of State and shall contain an impartial summary, arguments for and against, rebuttal arguments, and other information concerning each

measure that the Secretary of State determines will make the audio recorded version of the state voter information guide easier to understand or more useful to the average voter.

SEC. 26. Section 9082.7 of the Elections Code is amended to read:

9082.7. (a) The Secretary of State shall make available the complete state voter information guide over the Internet. The online version of the state voter information guide shall contain all of the following:

(1) For each candidate listed in the guide, a means to access campaign contribution disclosure reports for the candidate that are available online.

(2) For each state ballot measure listed in the guide, a means to access the consolidated information specified in subdivision (b).

(b) The Secretary of State shall create an Internet Web site, or use other available technology, to consolidate information about each state ballot measure in a manner that is easy for voters to access and understand. The information shall include all of the following:

(1) A summary of the ballot measure's content.

(2) The total amount of reported contributions made in support of and opposition to the ballot measure, calculated and updated as follows:

(A) (i) The total amount of contributions in support of the ballot measure shall be calculated by adding together the total amounts of contributions made in support of the ballot measure and reported in semiannual statements required by Section 84200 of the Government Code, preelection statements required by Section 84200.5 of the Government Code, campaign statements required by Section 84202.3 of the Government Code, and late contribution reports required by Section 84203 of the Government Code that are reported within 16 days of the election at which the measure will appear on the ballot.

(ii) The total amount of contributions in opposition to the ballot measure shall be calculated by adding together the total amounts of contributions made in opposition to the ballot measure and reported in semiannual statements required by Section 84200 of the Government Code, preelection statements required by Section 84200.5 of the Government Code, campaign statements required by Section 84202.3 of the Government Code, and late contribution reports required by Section 84203 of the Government Code that are reported within 16 days of the election at which the measure will appear on the ballot.

(iii) For purposes of determining the total amount of reported contributions pursuant to this subparagraph, the Secretary of State shall, to the extent practicable with respect to committees primarily formed to support or oppose a ballot measure, do both of the following:

(I) Ensure that transfers of funds between primarily formed committees are not counted twice.

(II) Treat a contribution made to a primarily formed committee that supports or opposes more than one state ballot measure as if the total amount of that contribution was made for each state ballot measure that the committee supports or opposes.

(B) The total amount of reported contributions calculated under this paragraph for each state ballot measure shall be updated not later than five

business days after receipt of a semiannual statement, campaign statement, or preelection statement and not later than two business days after receipt of a late contribution report within 16 days of the election at which the measure will appear on the ballot.

(C) The total amount of reported contributions calculated under this paragraph for each state ballot measure shall be accompanied by an explanation that the contribution totals may be overstated due to the inclusion of contributions made to committees supporting or opposing more than one state ballot measure, as required by subclause (II) of clause (iii) of subparagraph (A).

(3) A current list of the top 10 contributors supporting and opposing the ballot measure, if compiled by the Fair Political Practices Commission pursuant to subdivision (e) of Section 84223 of the Government Code.

(4) (A) A list of each committee primarily formed to support or oppose the ballot measure, as described in Section 82047.5 of the Government Code, and a means to access information about the sources of contributions reported for each committee.

(B) Information about the sources of contributions shall be updated as new information becomes available to the public pursuant to the Political Reform Act of 1974 (Title 9 (commencing with Section 81000) of the Government Code).

(C) If a committee identified in subparagraph (A) receives one million dollars (\$1,000,000) or more in contributions for an election, the Secretary of State shall provide a means to access online information about the committee's top 10 contributors reported to the Fair Political Practices Commission pursuant to subdivision (a) of Section 84223 of the Government Code.

(D) Notwithstanding paragraph (1) of subdivision (c) of Section 84223 of the Government Code, the Fair Political Practices Commission shall automatically provide any list of top 10 contributors created pursuant to Section 84223 of the Government Code, and any subsequent updates to that list, to the Secretary of State for purposes of compliance with this section.

(5) Any other information deemed relevant by the Secretary of State.

(c) Information made available over the Internet pursuant to this section shall meet or exceed the most current, ratified standards under Section 508 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794d), as amended, and the Web Content Accessibility Guidelines 2.0 adopted by the World Wide Web Consortium for accessibility. The Secretary of State may also implement recommendations of the Voting Accessibility Advisory Committee made pursuant to paragraph (4) of subdivision (b) of Section 2053.

SEC. 27. Section 9083 of the Elections Code is amended to read:

9083. If the ballot contains a question as to the confirmation of a justice of the Supreme Court or a court of appeal, the Secretary of State shall include in the state voter information guide a written explanation of the electoral procedure for justices of the Supreme Court and the courts of appeal. The explanation shall state the following:

“Under the California Constitution, justices of the Supreme Court and the courts of appeal are subject to confirmation by the voters. The public votes “yes” or “no” on whether to retain each justice.

“These judicial offices are nonpartisan.

“Before a person can become an appellate justice, the Governor must submit the candidate’s name to the Judicial Nominees Evaluation Commission, which is comprised of public members and lawyers. The commission conducts a thorough review of the candidate’s background and qualifications, with community input, and then forwards its evaluation of the candidate to the Governor.

“The Governor then reviews the commission’s evaluation and officially nominates the candidate, whose qualifications are subject to public comment before examination and review by the Commission on Judicial Appointments. That commission consists of the Chief Justice of California, the Attorney General of California, and a senior Presiding Justice of the Courts of Appeal. The Commission on Judicial Appointments must then confirm or reject the nomination. Only if confirmed does the nominee become a justice.

“Following confirmation, the justice is sworn into office and is subject to voter approval at the next gubernatorial election, and thereafter at the conclusion of each term. The term prescribed by the California Constitution for justices of the Supreme Court and courts of appeal is 12 years. Justices are confirmed by the Commission on Judicial Appointments only until the next gubernatorial election, at which time they run for retention of the remainder of the term, if any, of their predecessor, which will be either four or eight years.”

SEC. 28. Section 9083.5 of the Elections Code is amended to read:

9083.5. (a) If a candidate for nomination or election to a partisan office will appear on the ballot, the Secretary of State shall include in the state voter information guide a written explanation of the election procedure for such offices. The explanation shall read substantially similar to the following:

PARTY-NOMINATED/PARTISAN OFFICES

Under the California Constitution, political parties may formally nominate candidates for party-nominated/partisan offices at the primary election. A candidate so nominated will then represent that party as its official candidate for the office in question at the ensuing general election and the ballot will reflect an official designation to that effect. The top votegetter for each party at the primary election is entitled to participate in the general election. Parties also elect officers of official party committees at a partisan primary.

No voter may vote in the primary election of any political party other than the party he or she has disclosed a preference for upon registering to vote. However, a political party may authorize a person who has declined to disclose a party preference to vote in that party’s primary election.

(b) If any candidate for nomination or election to a voter-nominated office will appear on the ballot, the Secretary of State shall include in the

state voter information guide a written explanation of the election procedure for such offices. The explanation shall read substantially similar to the following:

VOTER-NOMINATED OFFICES

Under the California Constitution, political parties are not entitled to formally nominate candidates for voter-nominated offices at the primary election. A candidate nominated for a voter-nominated office at the primary election is the nominee of the people and not the official nominee of any party at the following general election. A candidate for nomination or election to a voter-nominated office shall have his or her party preference, or lack of party preference, reflected on the primary and general election ballot, but the party preference designation is selected solely by the candidate and is shown for the information of the voters only. It does not constitute or imply an endorsement of the candidate by the party designated, or affiliation between the party and candidate, and no candidate nominated by the qualified voters for any voter-nominated office shall be deemed to be the officially nominated candidate of any political party. The parties may list the candidates for voter-nominated offices who have received the official endorsement of the party in the county voter information guide.

All voters may vote for any candidate for a voter-nominated office, provided they meet the other qualifications required to vote for that office. The top two votegetters at the primary election advance to the general election for the voter-nominated office, even if both candidates have specified the same party preference designation. A party is not entitled to have a candidate with its party preference designation participate in the general election unless such candidate is one of the two highest votegetters at the primary election.

(c) If any candidate for nomination or election to a nonpartisan office, other than judicial office, shall appear on the ballot, the Secretary of State shall include in the state voter information guide a written explanation of the election procedure for such offices. The explanation shall read substantially similar to the following:

NONPARTISAN OFFICES

Under the California Constitution, political parties are not entitled to nominate candidates for nonpartisan offices at the primary election, and a candidate nominated for a nonpartisan office at the primary election is not the official nominee of any party for the office in question at the ensuing general election. A candidate for nomination or election to a nonpartisan office may NOT designate his or her party preference, or lack of party preference, on the primary and general election ballot. The top two votegetters at the primary election advance to the general election for the nonpartisan office.

(d) Posters or other printed materials containing the notices specified in subdivisions (a) to (c), inclusive, shall be included in the precinct supplies pursuant to Section 14105.

SEC. 29. Section 9084 of the Elections Code is amended to read:

9084. The state voter information guide shall contain all of the following:

- (a) A complete copy of each state measure.
- (b) A copy of the specific constitutional or statutory provision, if any, that each state measure would repeal or revise.
- (c) A copy of the arguments and rebuttals for and against each state measure.
- (d) A copy of the analysis of each state measure.
- (e) Tables of contents, indexes, art work, graphics, and other materials that the Secretary of State determines will make the state voter information guide easier to understand or more useful for the average voter.
- (f) A notice, conspicuously printed on the cover of the state voter information guide, indicating that additional copies of the state voter information guide will be mailed by the county elections official upon request.
- (g) A written explanation of the judicial retention procedure as required by Section 9083.
- (h) The Voter Bill of Rights pursuant to Section 2300.
- (i) If the ballot contains an election for the office of United States Senator, information on candidates for United States Senator. A candidate for United States Senator may purchase the space to place a statement in the state voter information guide that does not exceed 250 words. The statement shall not make any reference to any opponent of the candidate. The statement shall be submitted in accordance with timeframes and procedures set forth by the Secretary of State for the preparation of the state voter information guide.
- (j) If the ballot contains a question on the confirmation or retention of a justice of the Supreme Court, information on justices of the Supreme Court who are subject to confirmation or retention.
- (k) If the ballot contains an election for the offices of President and Vice President of the United States, a notice that refers voters to the Secretary of State's Internet Web site for information about candidates for the offices of President and Vice President of the United States.
- (l) A written explanation of the appropriate election procedures for party-nominated, voter-nominated, and nonpartisan offices as required by Section 9083.5.
- (m) A written explanation of the top 10 contributor lists required by Section 84223 of the Government Code, including a description of the Internet Web sites where those lists are available to the public.

SEC. 30. Section 9085 of the Elections Code is amended to read:

9085. (a) The state voter information guide shall also contain a section, located near the front of the guide, that provides a concise summary of the general meaning and effect of "yes" and "no" votes on each state measure.
- (b) The summary statements required by this section shall be prepared by the Legislative Analyst. These statements are not intended to provide

comprehensive information on each measure. The Legislative Analyst shall be solely responsible for determining the contents of these statements. The statements shall be available for public examination and amendment pursuant to Section 9092.

SEC. 31. Section 9086 of the Elections Code is amended to read:

9086. The state voter information guide shall contain as to each state measure to be voted upon, the following, in the order set forth in this section:

(a) (1) Upon the top portion of the first page, and not exceeding one-third of the page, shall appear:

(A) Identification of the measure by number and title.

(B) The official summary prepared by the Attorney General.

(C) The total number of votes cast for and against the measure in both the State Senate and Assembly, if the measure was passed by the Legislature.

(2) The space in the title and summary that is used for an explanatory table prepared pursuant to paragraph (2) of subdivision (e) of Section 9087 and Section 88003 of the Government Code shall not be included when measuring the amount of space the information described in paragraph (1) has taken for purposes of determining compliance with the restriction prohibiting the information described in paragraph (1) from exceeding one-third of the page.

(b) Beginning at the top of the right page shall appear the analysis prepared by the Legislative Analyst if the analysis fits on a single page. If it does not fit on a single page, the analysis shall begin on the lower portion of the first left page and shall continue on subsequent pages until it is completed.

(c) Immediately below the analysis prepared by the Legislative Analyst shall appear a printed statement that refers voters to the Secretary of State's Internet Web site for a list of committees primarily formed to support or oppose a ballot measure, and information on how to access the committee's top 10 contributors.

(d) Arguments for and against the measure shall be placed on the next left and right pages, respectively, following the final page of the analysis of the Legislative Analyst. The rebuttals shall be placed immediately below the arguments.

(e) If no argument against the measure has been submitted, the argument for the measure shall appear on the right page facing the analysis.

(f) The complete text of each measure shall appear at the back of the guide. The text of the measure shall contain the provisions of the proposed measure and the existing laws repealed or revised by the measure. The provisions of the proposed measure differing from the existing laws affected shall be distinguished in print, so as to facilitate comparison.

(g) The following statement shall be printed at the bottom of each page where arguments appear: "Arguments printed on this page are the opinions of the authors, and have not been checked for accuracy by any official agency."

SEC. 32. Section 9087 of the Elections Code is amended to read:

9087. (a) The Legislative Analyst shall prepare an impartial analysis of the measure describing the measure and including a fiscal analysis of the measure showing the amount of any increase or decrease in revenue or cost to state or local government. If it is estimated that a measure would result in increased cost to the state, an analysis of the measure's estimated impact on the state shall be provided, including an estimate of the percentage of the General Fund that would be expended due to the measure, using visual aids when appropriate. An estimate of increased cost to the state or local governments shall be set out in boldface print in the state voter information guide.

(b) The analysis shall be written in clear and concise terms, so as to be easily understood by the average voter, and shall avoid the use of technical terms wherever possible. The analysis may contain background information, including the effect of the measure on existing law and the effect of enacted legislation which will become effective if the measure is adopted, and shall generally set forth in an impartial manner the information the average voter needs to adequately understand the measure. To the extent practicable, the Legislative Analyst shall use a uniform method in each analysis to describe the estimated increase or decrease in revenue or cost of a measure, so that the average voter may draw comparisons among the fiscal impacts of measures. The condensed statement of the fiscal impact summary for the measure prepared by the Attorney General to appear on the ballot shall contain the uniform estimate of increase or decrease in revenue or cost of the measure prepared pursuant to this subdivision.

(c) The Legislative Analyst may contract with a professional writer, educational specialist, or another person for assistance in writing an analysis that fulfills the requirements of this section, including the requirement that the analysis be written so that it will be easily understood by the average voter. The Legislative Analyst may also request the assistance of a state department, agency, or official in preparing his or her analysis.

(d) Before submitting the analysis to the Secretary of State, the Legislative Analyst shall submit the analysis to a committee of five persons, appointed by the Legislative Analyst, for the purpose of reviewing the analysis to confirm its clarity and easy comprehension to the average voter. The committee shall be drawn from the public at large, and one member shall be a specialist in education, one member shall be bilingual, and one member shall be a professional writer. Members of the committee shall be reimbursed for reasonable and necessary expenses incurred in performing their duties. Within five days of the submission of the analysis to the committee, the committee shall make recommendations to the Legislative Analyst as it deems appropriate to guarantee that the analysis can be easily understood by the average voter. The Legislative Analyst shall consider the committee's recommendations, and he or she shall incorporate in the analysis those changes recommended by the committee that he or she deems to be appropriate. The Legislative Analyst is solely responsible for determining the content of the analysis required by this section.

(e) (1) The title and summary of any measure that appears on the ballot shall be amended to contain a summary of the Legislative Analyst's estimate of the net state and local government fiscal impact.

(2) For state bond measures that are submitted to the voters for their approval or rejection, the summary of the Legislative Analyst's estimate described in paragraph (1) shall include an explanatory table of the information in the summary.

SEC. 33. Section 9088 of the Elections Code is amended to read:

9088. (a) At each statewide election at which state bond measures will be submitted to the voters for their approval or rejection, the state voter information guide for that election shall include a discussion, prepared by the Legislative Analyst, of the state's current bonded indebtedness situation.

(b) This discussion shall include information as to the dollar amount of the state's current authorized and outstanding bonded indebtedness, the approximate percentage of the state's General Fund revenues that are required to service this indebtedness, and the expected impact of the issuance of the bonds to be approved at the election on the items specified in this subdivision. In cases where a bond measure allocates funds for programs, the discussion shall also include, to the extent practicable, the proportionate share of funds for each major program funded by the measure.

(c) The discussion required by this section shall appear on a separate page in the state voter information guide immediately following the rebuttal to the argument against the last ballot measure included in the state voter information guide.

SEC. 34. Section 9089 of the Elections Code is amended to read:

9089. Measures shall be printed in the state voter information guide, so far as possible, in the same order, manner and form in which they are designated upon the ballot.

SEC. 35. Section 9090 of the Elections Code is amended to read:

9090. The state voter information guide shall be printed according to the following specifications:

(a) The guide shall be printed in clear readable type, no less than 10-point, except that the text of any measure may be set forth in eight-point type.

(b) The guide shall be of a size and printed on a quality and weight of paper which, in the judgment of the Secretary of State, best serves the voters.

(c) The guide shall contain a certificate of correctness by the Secretary of State.

SEC. 36. Section 9092 of the Elections Code is amended to read:

9092. Not less than 20 days before he or she submits the copy for the state voter information guide to the State Printer, the Secretary of State shall make the copy available for public examination. Any elector may seek a writ of mandate requiring a copy to be amended or deleted from the state voter information guide. A peremptory writ of mandate shall issue only upon clear and convincing proof that the copy in question is false, misleading, or inconsistent with the requirements of this code or Chapter 8 (commencing with Section 88000) of Title 9 of the Government Code, and that issuance of the writ will not substantially interfere with the printing

and distribution of the state voter information guide as required by law. Venue for a proceeding under this section shall be exclusively in Sacramento County. The Secretary of State shall be named as the respondent and the State Printer and the person or official who authored the copy in question shall be named as real parties in interest. If the proceeding is initiated by the Secretary of State, the State Printer shall be named as the respondent.

SEC. 37. Section 9093 of the Elections Code is amended to read:

9093. Notwithstanding Section 81012 of the Government Code, the Legislature may without restriction amend this article to add to the state voter information guide information regarding candidates or any other information.

SEC. 38. Section 9094 of the Elections Code is amended to read:

9094. (a) The Secretary of State shall mail state voter information guides to voters, in those instances in which the county elections official uses data processing equipment to store the information set forth in the affidavits of registration, before the election at which measures contained in the state voter information guide are to be voted on unless a voter has registered fewer than 29 days before the election. The mailing shall commence not less than 40 days before the election and shall be completed no later than 21 days before the election for those voters who registered on or before the 60th day before the election. The Secretary of State shall mail one copy of the state voter information guide to each registered voter at the postal address stated on the voter's affidavit of registration, or the Secretary of State may mail only one state voter information guide to two or more registered voters having the same postal address.

(b) In those instances in which the county elections official does not use data processing equipment to store the information set forth in the affidavits of registration, the Secretary of State shall furnish state voter information guides to the county elections official not less than 45 days before the election at which measures contained in the state voter information guide are to be voted on and the county elections official shall mail state voter information guides to voters, on the same dates and in the same manner provided by subdivision (a).

(c) The Secretary of State shall provide for the mailing of state voter information guides to voters registering after the 60th day before the election and before the 28th day before the election, by either: (1) mailing in the manner as provided in subdivision (a), or (2) requiring the county elections official to mail state voter information guides to those voters registering in the county after the 60th day before the election and before the 28th day before the election pursuant to this section. The second mailing of state voter information guides shall be completed no later than 10 days before the election. The county elections official shall mail a state voter information guide to any person requesting a state voter information guide. Three copies, to be supplied by the Secretary of State, shall be kept at every polling place, while an election is in progress, so that they may be freely consulted by the voters.

SEC. 39. Section 9094.5 of the Elections Code is amended to read:

9094.5. (a) The Secretary of State shall establish processes to enable a voter to do both of the following:

(1) Opt out of receiving by mail the state voter information guide prepared pursuant to Section 9081.

(2) When the state voter information guide is available, receive either the state voter information guide in an electronic format or an electronic notification making the guide available by means of online access.

(b) The processes described in subdivision (a) shall become effective only after the Secretary of State certifies that the state has a statewide voter registration database that complies with the federal Help America Vote Act of 2002 (52 U.S.C. Sec. 20901 et seq.).

(c) The processes described in subdivision (a) shall not apply where two or more registered voters have the same postal address unless each voter who shares the same postal address has chosen to discontinue receiving the state voter information guide by mail.

(d) The Secretary of State shall also establish a procedure to permit a voter to begin receiving the state voter information guide by mail again after the voter has discontinued receiving it pursuant to subdivision (a).

SEC. 40. Section 9095 of the Elections Code is amended to read:

9095. Any costs incurred by a county for mailing the state voter information guides pursuant to the provisions of subdivisions (b) and (c) of Section 9094 shall be reimbursed to the county by the Secretary of State.

SEC. 41. Section 9096 of the Elections Code is amended to read:

9096. (a) As soon as copies of the state voter information guide are available, the Secretary of State shall immediately mail the following number of copies to the listed persons and places:

(1) Five copies to each county elections official or registrar of voters.

(2) Six copies to each city elections official.

(3) Five copies to each Member of the Legislature.

(4) Five copies to the proponents of each ballot measure.

(b) The Secretary of State shall also mail:

(1) Two copies to each public library and branch of each public library.

(2) Twelve copies to each public high school or other public school teaching at least the 11th and 12th grades, and 25 copies to each public postsecondary educational institution. Upon request, and in the discretion of the Secretary of State, additional copies may be furnished to these persons and institutions.

SEC. 42. Section 9160 of the Elections Code is amended to read:

9160. (a) If a county measure qualifies for a place on the ballot, the county elections official shall transmit a copy of the measure to the county auditor and to the county counsel or to the district attorney in a county that does not have a county counsel.

(b) (1) The county counsel or district attorney shall prepare an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure. The analysis shall include a statement indicating whether the measure was placed on the ballot by a petition signed by the requisite number of voters or by the board of supervisors. The analysis

shall be printed preceding the arguments for and against the measure. The analysis may not exceed 500 words in length.

(2) Additionally, the county counsel or district attorney may prepare a summary of the impartial analysis in a format that answers the questions “What does a yes vote mean?” and “What does a no vote mean?” for each measure, with the summary for each question limited to 75 words or less. If the county counsel or district attorney prepares a summary pursuant to this paragraph, it may be included in the county voter information guide.

(3) If the entire text of the measure is not printed on the ballot, nor in the county voter information guide, there shall be printed immediately below the impartial analysis, in no less than 10-point boldface type, a legend substantially as follows:

“The above statement is an impartial analysis of Ordinance or Measure _____. If you desire a copy of the ordinance or measure, please call the elections official’s office at (insert telephone number) and a copy will be mailed at no cost to you.”

(4) The elections official may, at his or her discretion, add the following message to the statement in paragraph (3): “You may also access the full text of the measure on the county Web site at the following Web site address (insert Web site address).”

(c) Not later than 88 days before an election that includes a county ballot measure, the board of supervisors may direct the county auditor to review the measure and determine if the substance of the county ballot measure, if adopted, would affect the revenues or expenditures of the county. He or she shall prepare a fiscal impact statement which estimates the amount of any increase or decrease in revenues or costs to the county if the proposed measure is adopted. The fiscal impact statement is “official matter” within the meaning of Section 13303, and shall be printed preceding the arguments for and against the measure. The fiscal impact statement may not exceed 500 words in length.

SEC. 43. Section 9162 of the Elections Code is amended to read:

9162. (a) The board of supervisors or any member or members of the board, or an individual voter who is eligible to vote on the measure, or bona fide association of citizens, or a combination of these voters and associations may file a written argument for or against any county measure. An argument shall not exceed 300 words in length. The county elections official shall cause an argument for and an argument against the measure, and the analysis of the measure, to be printed, and shall enclose a copy of both arguments preceded by the analysis with each county voter information guide. The printed arguments and the analysis are “official matter” within the meaning of Section 13303.

(b) The following statement shall be printed on the front cover, or if none, on the heading of the first page, of the printed arguments:

“Arguments in support of or in opposition to the proposed laws are the opinions of the authors.”

(c) Printed arguments submitted to voters in accordance with this section shall be titled either “Argument In Favor Of Measure ____” or “Argument

Against Measure _____,” accordingly, the blank spaces being filled in only with the letter or number, if any, which designates the measure. At the discretion of the county elections official, the word “Proposition” may be substituted for the word “Measure” in the titles. Words used in the title shall not be counted when determining the length of an argument.

SEC. 44. Section 9163 of the Elections Code is amended to read:

9163. Based on the time reasonably necessary to prepare and print the arguments, analysis, and county voter information guides and to permit the 10-calendar-day public examination as provided in Article 5 (commencing with Section 9190) for the particular election, the county elections official shall fix and determine a reasonable date before the election after which no arguments for or against any county measure may be submitted for printing and distribution to the voters as provided in this article. Notice of the date fixed shall be published by the county elections official pursuant to Section 6061 of the Government Code. Arguments may be changed until and including the date fixed by the county elections official.

SEC. 45. Section 9280 of the Elections Code is amended to read:

9280. Whenever a city measure qualifies for a place on the ballot, the governing body may direct the city elections official to transmit a copy of the measure to the city attorney, unless the organization or salaries of the office of the city attorney are affected. The city attorney shall prepare an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure. The analysis shall include a statement indicating whether the measure was placed on the ballot by a petition signed by the requisite number of voters or by the governing body of the city. If the measure affects the organization or salaries of the office of the city attorney, the governing board may direct the city elections official to prepare the impartial analysis. The analysis shall be printed preceding the arguments for and against the measure. The analysis shall not exceed 500 words in length.

If the entire text of the measure is not printed on the ballot, nor in the voter information guide, there shall be printed immediately below the impartial analysis, in no less than 10-point bold type, a legend substantially as follows:

“The above statement is an impartial analysis of Ordinance or Measure _____. If you desire a copy of the ordinance or measure, please call the elections official’s office at (insert telephone number) and a copy will be mailed at no cost to you.”

SEC. 46. Section 9282 of the Elections Code is amended to read:

9282. (a) For measures placed on the ballot by petition, the persons filing an initiative petition pursuant to this article may file a written argument in favor of the ordinance, and the legislative body may submit an argument against the ordinance.

(b) For measures placed on the ballot by the legislative body, the legislative body, or a member or members of the legislative body authorized by that body, or an individual voter who is eligible to vote on the measure,

or bona fide association of citizens, or a combination of voters and associations, may file a written argument for or against any city measure.

(c) An argument shall not exceed 300 words in length.

(d) The city elections official shall include the following statement on the front cover, or if none, on the heading of the first page, of the printed arguments:

“Arguments in support or opposition of the proposed laws are the opinions of the authors.”

(e) The city elections official shall enclose a printed copy of both arguments with each voter information guide, but only those arguments filed pursuant to this section shall be printed and enclosed with the voter information guide. The printed arguments are “official matter” within the meaning of Section 13303.

(f) Printed arguments submitted to voters in accordance with this section shall be titled either “Argument In Favor Of Measure ____” or “Argument Against Measure ____,” accordingly, the blank spaces being filled in only with the letter or number, if any, designating the measure. At the discretion of the elections official, the word “Proposition” may be substituted for the word “Measure” in these titles.

SEC. 47. Section 9285 of the Elections Code is amended to read:

9285. (a) (1) When an argument in favor and an argument against a measure have been selected to be printed in the voter information guide, the elections official shall send a copy of the argument in favor of the measure to the authors of the argument against the measure and a copy of an argument against the measure to the authors of the argument in favor of the measure.

(2) The author or a majority of the authors of an argument relating to a city measure may prepare and submit a rebuttal argument or may authorize in writing another person or persons to prepare, submit, or sign the rebuttal argument.

(3) A rebuttal argument shall not exceed 250 words.

(4) A rebuttal argument relating to a city measure shall be filed with the elections official no later than 10 days after the final filing date for primary arguments.

(5) A rebuttal argument relating to a city measure shall not be signed by more than five persons, shall be printed in the same manner as a direct argument, and shall immediately follow the direct argument which it seeks to rebut.

(b) Subdivision (a) applies only if, not later than the day on which the legislative body calls an election, the legislative body adopts its provisions by majority vote, in which case subdivision (a) applies at the next ensuing municipal election and at each municipal election thereafter, unless later repealed by the legislative body in accordance with the procedures of this subdivision.

SEC. 48. Section 9286 of the Elections Code is amended to read:

9286. (a) Based on the time reasonably necessary to prepare and print the arguments and voter information guides and to permit the

10-calendar-day public examination as provided in Article 6 (commencing with Section 9295) for the particular election, the city elections official shall fix a date 14 days from the calling of the election as a deadline, after which no arguments for or against a city measure may be submitted for printing and distribution to the voters, as provided in this article. Arguments may be changed or withdrawn by their proponents until and including the date fixed by the city elections official during the normal business hours of the elections official's office, as posted.

(b) The requirement in subdivision (a) that the period for submitting arguments for inclusion with the voter information guide materials must be 14 days from the calling of the election does not apply when the election is consolidated with another election pursuant to Part 3 (commencing with Section 10400) of Division 10.

SEC. 49. Section 9312 of the Elections Code is amended to read:

9312. Whenever an ordinance is required by this article to be submitted to the voters of a district at an election, the district elections official shall cause the ordinance to be printed. A copy of the ordinance shall be made available to any voter upon request.

The district elections official shall mail with the voter information guide to each voter the following notice printed in no less than 10-point type.

"If you desire a copy of the proposed ordinance, please call the district elections official's office at (insert telephone number) and a copy will be mailed at no cost to you."

SEC. 50. Section 9313 of the Elections Code is amended to read:

9313. Except as provided in Section 9314, whenever a district measure is submitted to the voters, the district elections official shall transmit a copy of the measure to the county counsel, or to the district attorney if there is no county counsel, of the county that contains the largest number of registered voters of the district. The county counsel or district attorney shall prepare an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure. The analysis shall include a statement indicating whether the measure was placed on the ballot by a petition signed by the requisite number of voters or by the governing body of the district. The analysis shall be printed preceding the arguments for and against the measure. The analysis shall not exceed 500 words in length.

If the entire text of the measure is not printed on the ballot nor in the voter information guide, there shall be printed immediately below the impartial analysis, in no less than 10-point bold type, a legend substantially as follows:

"The above statement is an impartial analysis of Ordinance or Measure _____. If you desire a copy of the ordinance or measure, please call the district elections official's office at (insert telephone number) and a copy will be mailed at no cost to you."

SEC. 51. Section 9314 of the Elections Code is amended to read:

9314. (a) Whenever a district measure is submitted to the voters of a water district, the district elections official shall transmit a copy of the measure to the legal counsel for the water district, or to the county counsel

if there is no legal counsel for the water district, of the county that contains the largest number of registered voters of the water district. Except as otherwise provided in subdivision (b), if there is a legal counsel for the water district, he or she shall prepare, subject to review and revision by the county counsel, an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure. The analysis shall include a statement indicating whether the measure was placed on the ballot by a petition signed by the requisite number of voters or by the governing body of the water district. The analysis shall be printed preceding the arguments for and against the measure. The analysis shall not exceed 500 words in length.

If the entire text of the measure is not printed on the ballot nor in the voter information guide, there shall be printed immediately below the impartial analysis, in no less than 10-point bold type, a legend substantially as follows:

“The above statement is an impartial analysis of Ordinance or Measure _____. If you desire a copy of the ordinance or measure, please call the district elections official’s office at (insert telephone number) and a copy will be mailed at no cost to you.”

(b) If there is no legal counsel for the water district, or if the legal counsel for the water district and the county counsel so agree, the county counsel shall prepare the impartial analysis.

(c) As used in this section:

(1) “Legal counsel for the water district” means the attorney designated under the district’s conflict of interest code as its legal officer pursuant to Article 3 (commencing with Section 87300) of Chapter 7 of Title 9 of the Government Code.

(2) “County counsel” means the district attorney if there is no county counsel.

(3) “Water district” means a water district as defined in Section 20200 of the Water Code.

SEC. 52. Section 9315 of the Elections Code is amended to read:

9315. The persons filing an initiative petition pursuant to this article may file a written argument in favor of the ordinance. The district board may submit an argument against the ordinance. Neither argument shall exceed 300 words in length, and both arguments shall be printed and mailed to each voter with the voter information guide for the election.

The following statement shall be printed on the front cover, or if none, on the heading of the first page, of the printed arguments:

“Arguments in support of or in opposition to the proposed laws are the opinions of the authors.”

Printed arguments submitted to voters in accordance with this section shall be titled either “Argument In Favor Of Measure _____” or “Argument Against Measure _____,” accordingly, the blank spaces being filled in only with the letter or number, if any, designating the measure. At the discretion of the district elections official, the word “Proposition” may be substituted for the word “Measure” in the titles. Words used in the title shall not be counted when determining the length of any argument.

SEC. 53. Section 9316 of the Elections Code is amended to read:

9316. Based on the time reasonably necessary to prepare and print the arguments and voter information guides, and to permit the 10-calendar-day public examination as provided in Article 4 (commencing with Section 9380) for the particular election, the district elections official charged with the duty of conducting the election shall fix and determine a reasonable date before the election for the submission to the district elections official of an argument in favor of and against the ordinance, and additional rebuttal arguments as provided in Section 9317. Arguments may be changed or withdrawn by their proponents until and including the date fixed by the district elections official.

SEC. 54. Section 9402 of the Elections Code is amended to read:

9402. All official materials, including any voter information guide prepared, sponsored, or distributed by the jurisdiction that has proposed the bond issue or that is financed in whole or part by funds furnished by that jurisdiction, directed at or including a bond issue proposal, but excluding a notice of election required by law to be posted or published, shall contain a statement of the tax rate data specified in Section 9401.

SEC. 55. Section 9501 of the Elections Code is amended to read:

9501. (a) The governing board of the school district or a member or members of the governing board, or an individual voter who is eligible to vote on the measure, or bona fide association of citizens, or a combination of such voters and associations may file a written argument for or against any school measure. An argument shall not exceed 300 words in length. The elections official shall cause an argument for and an argument against the measure, if submitted, to be printed, and shall include the arguments, preceded by the analysis, in the county voter information guide.

(b) Printed arguments submitted to voters in accordance with this section shall be titled either "Argument in Favor of Measure ____" or "Argument Against Measure ____," accordingly, the blank spaces being filled in only with the letter or number, if any, designating the measure. At the discretion of the elections official, the word "Proposition" may be substituted for the word "Measure" in the titles. Words used in the title shall not be counted when determining the length of any measure.

SEC. 56. Section 10531 of the Elections Code is amended to read:

10531. Notwithstanding any law, vote by mail voting shall be allowed in lieu of voting by proxy in an landowner district election in which voting by proxy is allowed if, at least 110 days before the election, the governing board of the district adopts this section. If a district adopts this section, the voting shall be conducted as follows:

(a) The vote by mail ballot shall be available to any eligible voter of the district.

(b) The form of application for the ballot shall be distributed to each voter with the voter information guide and shall contain spaces for each of the following:

- (1) The printed name and address of the voter.
- (2) The address to which the ballot is to be mailed.

(3) The voter's signature.

(4) The authorization of a legal representative, as defined in Section 34030 of the Water Code, to receive the vote by mail voter's ballot if the voter so chooses.

(5) The name and date of the election for which the request is made.

(6) The date the application shall be received by the county elections official, which date shall be at least seven days before the election.

(7) The insertion of the voter information guide name and address label on the application.

(c) Upon receipt of vote by mail ballot application and verification that it has been properly completed, the county elections official shall mail vote by mail voter's ballot to the voter or legal representative with an identification envelope, which shall contain each of the following:

(1) A declaration under penalty of perjury stating that the voter is entitled to vote in the election.

(2) Space for the signature of the voter or legal representative and the date of signing.

(3) A notice that the envelope contains an official ballot and is to be opened only by the appropriate elections officials.

(d) The voting shall be pursuant to those additional procedures, if any, that the county elections official shall deem necessary to the proper conduct of the election, provided that the overall additional procedures shall substantially comply with Division 3 (commencing with Section 3000) and Chapter 1 (commencing with Section 15000) of Division 15, and shall be consistent with landowner voting requirements.

(e) Notwithstanding Section 10525, the list of voters for landowner voting district elections in which vote by mail voting is allowed shall be delivered to the county elections official at least 40 days before the election.

(f) The voter information guide for landowner voting district elections in which vote by mail voting is allowed shall be mailed at least 20 days before the election.

SEC. 57. Section 11324 of the Elections Code is amended to read:

11324. The official responsible for preparing the ballot shall, at least 10 days before the recall election, mail a voter information guide to each registered voter of the electoral jurisdiction of the officer sought to be recalled.

SEC. 58. Section 11325 of the Elections Code is amended to read:

11325. (a) With the voter information guide there shall be mailed for each officer whose recall is sought, a printed copy of the following:

(1) The statement of reasons for recall that appeared on the notice of intent to recall that was filed by the proponents of the recall with the elections official, or in the case of a state officer, with the Secretary of State.

(2) The answer to the statement of reasons for recall that was filed by the officer whose recall is sought with the elections official or, in the case of a state officer, with the Secretary of State, if an answer was filed.

(b) The printed copies of the statement and the answer to that statement shall be mailed with the sample ballot either in a document separate from

the sample ballot or in the same document in which the sample ballot appears. Both the statement and answer shall be printed on the same page, or on facing pages of the document, and shall be of equal prominence.

(c) If the recall of more than one officer is sought, the statement and answer for each officer shall be printed together and shall be clearly distinguished from those of any other officer.

SEC. 59. Section 11327 of the Elections Code is amended to read:

11327. An officer whose recall is being sought may file a statement with the elections official in accordance with Section 13307, to be sent to each voter, together with the voter information guide.

SEC. 60. Section 13118 of the Elections Code is amended to read:

13118. The following rules apply when a person who is a candidate for an office believes that another person with a name that is so similar that it may be confused with his or her name has filed or will file a nomination paper for the same office:

(a) The candidate may, at the time of filing his or her nomination paper, or within five days after the time for filing nomination papers has expired, file with the elections official a statement that shall be in substance as follows:

“I _____, believe that another person, whose name is so similar to mine that it may be confused with mine, has filed or will file a nomination paper for the same office for which I have filed a nomination paper, and I therefore request and direct that the elections official assign a number to each candidate with a similar name to be printed on the ballot as a distinguishing mark.

Name
Candidate for the office
of _____ ”

(b) The distinguishing mark shall be a number, commencing with the number “1” and continuing in numerical sequence until each candidate with a similar name has been assigned a distinguishing number, and shall be printed at the right of the name on the ballot.

(c) The first candidate who filed his or her nomination papers shall have the number “1” and each subsequent candidate, based on the time of filing his or her nomination papers, shall be assigned the next number in numerical sequence.

(d) In addition to the designated numbers that the elections official shall place on the ballot when the above conditions are met, he or she shall place on the ballot, immediately preceding the names of the candidates to be voted upon, the following warning:

“Warning! There are two (or applicable number) candidates for this office with identical names.”

This warning shall also be included, in a prominent manner, on any state voter information guide, county voter information guide, or other mailing sent by the elections official, before the election, to persons eligible to vote for this office.

(e) To determine the order on the ballot for the candidates with similar names, the elections official shall conduct a drawing of the numbers assigned to the candidates in a similar manner as provided for in Section 13112.

SEC. 61. Section 13244 of the Elections Code is amended to read:

13244. The county voter information guide provided pursuant to Chapter 4 (commencing with Section 13300) shall include a substantial facsimile of the official ballot, including instructions to voters.

SEC. 62. Section 13263 of the Elections Code is amended to read:

13263. The county voter information guide provided pursuant to Chapter 4 (commencing with Section 13300) shall be printed in either of two formats: (a) booklet form, or (b) on one or more sheets on one or both sides. The county voter information guide shall be printed on white or tinted paper and shall include a substantial facsimile of the ballot, including instructions to voters.

SEC. 63. The heading of Chapter 4 (commencing with Section 13300) of Division 13 of the Elections Code is amended to read:

CHAPTER 4. STATE AND COUNTY VOTER INFORMATION GUIDES

SEC. 64. Section 13300 of the Elections Code is amended to read:

13300. (a) By at least 29 days before the partisan primary, each county elections official shall prepare a separate county voter information guide for each political party and a separate nonpartisan county voter information guide. The county elections official shall place in each guide, as applicable, in the order provided in Chapter 2 (commencing with Section 13100), and under the appropriate title of each office, the names of all candidates for whom nomination papers have been duly filed with him or her, or have been certified to him or her by the Secretary of State, to be voted for in his or her county at the partisan primary election.

(b) The county voter information guides shall include a substantial facsimile of the official ballots, except as otherwise provided by law. The county voter information guides shall be printed on paper of a different texture from the paper to be used for the official ballot.

(c) One county voter information guide of the party for which the voter has disclosed a preference, as evidenced by his or her registration, shall be mailed not more than 40 nor fewer than 10 days before the election to each voter entitled to vote at the primary who registered at least 29 days before the election. A nonpartisan county voter information guide shall be so mailed to each voter who is not registered as preferring any of the parties participating in the primary election. On election day the voter may, upon

request, vote the ballot of a political party if authorized by the party's rules, duly noticed to the Secretary of State.

SEC. 65. Section 13300.5 of the Elections Code is amended to read:

13300.5. In order to facilitate the timely production and distribution of county voter information guides, the county elections official may prepare a combined county voter information guide.

SEC. 66. Section 13300.7 of the Elections Code is amended to read:

13300.7. Notwithstanding any other law, county and city elections officials may establish procedures designed to permit a voter to opt out of receiving his or her county voter information guide, state voter information guide, notice of polling place, and associated materials by mail, and instead obtain them electronically via email or by accessing them on the county's or city's Internet Web site, if all of the following conditions are met:

(a) The procedures establish a method of providing notice of and an opportunity by which a voter can notify elections officials of his or her desire to obtain ballot materials electronically in lieu of receiving them by mail.

(b) The voter email address or any other information provided by the voter under this section remains confidential pursuant to Section 6254.4 of the Government Code and Section 2194 of this code.

(c) The procedures provide notice and opportunity for a voter who has opted out of receiving a county voter information guide and other materials by mail to opt back into receiving them by mail.

(d) The procedures establish a process by which a voter can apply electronically to become a vote by mail voter.

(e) A voter may only opt out of, or opt back into, receiving his or her county voter information guide and other ballot materials by mail if the elections official receives the request and can process it before the statutory deadline for the mailing of those materials for the next election, pursuant to Section 13303. If a voter misses this deadline, the request shall take effect the following election.

(f) The procedures shall include a verification process to confirm the voter's identity, either in writing with a signature card that can be matched to the one on file with the elections official, or if the request is submitted electronically, it shall contain the voter's California driver's license number, California identification number, or a partial social security number.

(g) Information made available over the Internet pursuant to this section shall meet or exceed the most current, ratified standards under Section 508 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794d), as amended, and the Web Content Accessibility Guidelines 2.0 adopted by the World Wide Web Consortium for accessibility. Election officials may also implement recommendations of the Voting Accessibility Advisory Committee made pursuant to paragraph (4) of subdivision (b) of Section 2053, and of any local Voting Accessibility Advisory Committee created pursuant to the guidelines promulgated by the Secretary of State related to the accessibility of polling places by the physically handicapped.

SEC. 67. Section 13302 of the Elections Code is amended to read:

13302. (a) The county elections official shall forthwith submit the county voter information guide of each political party to the chairperson of the county central committee of that party, and shall mail a copy to each candidate for whom nomination papers have been filed in his or her office or whose name has been certified to him or her by the Secretary of State, to the post office address given in the nomination paper or certification. The county elections official shall post a copy of each county voter information guide in a conspicuous place in his or her office.

(b) In connection with an election at which a candidate for a voter-nominated office will appear on the ballot, a qualified political party may submit to the county elections official a list of all candidates for voter-nominated office who will appear on a ballot in the county in question, and who have been endorsed by the party by whatever lawful mechanism the party adopts for endorsing candidates for voter-nominated office. If a political party timely submits a list to the county elections official pursuant to this subdivision, the county elections official shall print the names of the candidates for voter-nominated office who were endorsed by that political party in the voter information portion of the county voter information guide. The party chairperson shall provide a written copy of the list of candidates endorsed by the party not later than 83 days before the election at which the candidate for a voter-nominated office will appear on the ballot.

SEC. 68. Section 13303 of the Elections Code is amended to read:

13303. (a) For each election, each appropriate elections official shall cause to be printed, on plain white paper or tinted paper, without watermark, at least as many copies of the form of ballot provided for use in each voting precinct as there are voters in the precinct. These copies shall be designated “county voter information guide” upon their face and shall include a substantial facsimile of the official ballots used in the election, except as otherwise provided by law. A county voter information guide shall be mailed, postage prepaid, not more than 40 nor less than 21 days before the election to each voter who is registered at least 29 days before the election.

(b) The elections official shall send notice of the polling place to each voter with the county voter information guide. Only official matter shall be sent out with the county voter information guide as provided by law.

(c) The elections official shall send notice of the polling place to each voter who registered after the 29th day before the election and is eligible to participate in the election. The notice shall also include information as to where the voter can obtain a county voter information guide and a state voter information guide before the election, a statement indicating that those documents will be available at the polling place at the time of the election, and the address of the Secretary of State’s Internet Web site and, if applicable, of the county Internet Web site where a county voter information guide may be viewed.

SEC. 69. Section 13305 of the Elections Code is amended to read:

13305. (a) Notwithstanding Sections 13300 and 13303, a county elections official may elect not to mail a county voter information guide to a voter if all of the following are satisfied:

(1) The voter is one of the following:

(A) A permanent vote by mail voter pursuant to Chapter 3 (commencing with Section 3200) of Division 3.

(B) A voter in a mail ballot election conducted pursuant to Division 4 (commencing with Section 4000).

(C) A voter in a precinct in which an election is conducted pursuant to Section 3005.

(2) The county elections official prepares and mails to each voter a state voter information guide. The state voter information guide shall include all of the information required to be included in, and shall be accompanied by all the election materials required to accompany, the county voter information guide, except for both of the following:

(A) An application for a vote by mail ballot.

(B) A notice that a vote by mail ballot application is enclosed.

(3) The voter is furnished with an official ballot pursuant to Section 3005 or 3010.

(b) Notwithstanding subdivision (a) of Section 13303, for each voter to whom the elections official elects not to mail a county voter information guide pursuant to subdivision (a), the elections official may cause to be printed one less copy of the county voter information guide.

(c) If a county elections official elects not to mail a county voter information guide to a voter pursuant to this section, the elections official shall use any savings achieved to offset the costs associated with establishing a free access system for vote by mail ballots pursuant to Section 3019.5 before the savings may be used for any other purpose.

SEC. 70. Section 13306 of the Elections Code is amended to read:

13306. Notwithstanding Sections 13300, 13303, and 13307, county voter information guides and candidates' statements need not be mailed to voters who registered after the 54th day before an election, but all of these voters shall receive polling place notices and state voter information guides. A state voter information guide is not required to be mailed to a voter who registered after the 29th day before an election. Each of these voters shall receive a notice in bold print that states: "Because you are a late registrant, you are not receiving a county voter information guide or candidates' statements."

SEC. 71. Section 13307 of the Elections Code is amended to read:

13307. (a) (1) Each candidate for nonpartisan elective office in any local agency, including any city, county, city and county, or district, may prepare a candidate's statement on an appropriate form provided by the elections official. The statement may include the name, age, and occupation of the candidate and a brief description, of no more than 200 words, of the candidate's education and qualifications expressed by the candidate himself or herself. However, the governing body of the local agency may authorize an increase in the limitations on words for the statement from 200 to 400 words. The statement shall not include the party affiliation of the candidate, nor membership or activity in partisan political organizations.

(2) The statement authorized by this subdivision shall be filed in the office of the elections official when the candidate's nomination papers are returned for filing, if it is for a primary election, or for an election for offices for which there is no primary. The statement shall be filed in the office of the elections official no later than the 88th day before the election, if it is for an election for which nomination papers are not required to be filed. If a runoff election or general election occurs within 88 days of the primary or first election, the statement shall be filed with the elections official by the third day following the governing body's declaration of the results from the primary or first election.

(3) Except as provided in Section 13309, the statement may be withdrawn, but not changed, during the period for filing nomination papers and until 5 p.m. of the next working day after the close of the nomination period.

(b) (1) The elections official shall send to each voter a county voter information guide that contains the written statements of each candidate that is prepared pursuant to this section. The statement of each candidate shall be printed in type of uniform size and darkness, and with uniform spacing.

(2) The elections official shall provide a Spanish translation to those candidates who wish to have one, and shall select a person to provide that translation who is one of the following:

(A) A certified and registered interpreter on the Judicial Council Master List.

(B) An interpreter categorized as "certified" or "professionally qualified" by the Administrative Office of the United States Courts.

(C) From an institution accredited by a regional or national accrediting agency recognized by the United States Secretary of Education.

(D) A current voting member in good standing of the American Translators Association.

(E) A current member in good standing of the American Association of Language Specialists.

(c) The local agency may estimate the total cost of printing, handling, translating, and mailing the candidate's statements filed pursuant to this section, including costs incurred as a result of complying with the federal Voting Rights Act of 1965, as amended. The local agency may require each candidate filing a statement to pay in advance to the local agency his or her estimated pro rata share as a condition of having his or her statement included in the county voter information guide. If the estimated payment is required, the receipt for the payment shall include a written notice that the estimate is just an approximation of the actual cost that varies from one election to another election and may be significantly more or less than the estimate, depending on the actual number of candidates filing statements. Accordingly, the local agency is not bound by the estimate and may, on a pro rata basis, bill the candidate for additional actual expense or refund any excess paid depending on the final actual cost. In the event of underpayment, the local agency may require the candidate to pay the balance of the cost incurred. In the event of overpayment, the local agency which, or the elections official

who, collected the estimated cost shall prorate the excess amount among the candidates and refund the excess amount paid within 30 days of the election.

(d) This section shall not be deemed to make any statement, or the authors of any statement, free or exempt from any civil or criminal action or penalty because of any false, slanderous, or libelous statements offered for printing or contained in the county voter information guide.

(e) Before the nominating period opens, the local agency for that election shall determine whether a charge shall be levied against that candidate for the candidate's statement sent to each voter. This decision shall not be revoked or modified after the seventh day before the opening of the nominating period. A written statement of the regulations with respect to charges for handling, packaging, and mailing shall be provided to each candidate or his or her representative at the time he or she picks up the nomination papers.

(f) For purposes of this section and Section 13310, the board of supervisors is the governing body of judicial elections.

SEC. 71.5. Section 13307 of the Elections Code is amended to read:

13307. (a) (1) Each candidate for nonpartisan elective office in any local agency, including any city, county, city and county, or district, may prepare a candidate's statement on an appropriate form provided by the elections official. The statement may include the name, age, and occupation of the candidate and a brief description, of no more than 200 words, of the candidate's education and qualifications expressed by the candidate himself or herself. However, the governing body of the local agency may authorize an increase in the limitations on words for the statement from 200 to 400 words. The statement shall not include the party affiliation of the candidate, nor membership or activity in partisan political organizations.

(2) The statement authorized by this subdivision shall be filed in the office of the elections official when the candidate's nomination papers are returned for filing, if it is for a primary election, or for an election for offices for which there is no primary. The statement shall be filed in the office of the elections official no later than the 88th day before the election, if it is for an election for which nomination papers are not required to be filed. If a runoff election or general election occurs within 88 days of the primary or first election, the statement shall be filed with the elections official by the third day following the governing body's declaration of the results from the primary or first election.

(3) Except as provided in Section 13309, the statement may be withdrawn, but not changed, during the period for filing nomination papers and until 5 p.m. of the next working day after the close of the nomination period.

(b) (1) The elections official shall send to each voter a county voter information guide that contains the written statements of each candidate that is prepared pursuant to subdivision (a). The statement of each candidate shall be printed in type of uniform size and darkness, and with uniform spacing.

(2) The elections official shall provide a Spanish translation to those candidates who wish to have one, and shall select a person to provide that translation who is one of the following:

(A) A certified and registered interpreter on the Judicial Council Master List.

(B) An interpreter categorized as “certified” or “professionally qualified” by the Administrative Office of the United States Courts.

(C) From an institution accredited by a regional or national accrediting agency recognized by the United States Secretary of Education.

(D) A current voting member in good standing of the American Translators Association.

(E) A current member in good standing of the American Association of Language Specialists.

(c) (1) In addition to the statement prepared pursuant to subdivision (a), if the elections official who is conducting the election permits electronic distribution of a candidate's statement, the governing body of a local agency may permit each candidate for nonpartisan elective office in the local agency to prepare a candidate's statement for the purpose of electronic distribution pursuant to this subdivision.

(2) A statement prepared pursuant to this subdivision shall be posted on the Internet Web site of the elections official, and may be included in a voter's pamphlet that is electronically distributed by the elections official pursuant to Section 13300.7, but shall not be included in a voter's pamphlet that is printed and mailed to voters pursuant to subdivision (b).

(3) A statement that is printed in the voter's pamphlet and mailed to voters pursuant to subdivision (b) shall be included with the statement that is prepared and electronically distributed pursuant to this subdivision.

(4) A statement that is prepared and electronically distributed pursuant to this subdivision shall be displayed in type of uniform size and darkness, and with uniform spacing.

(5) The elections official shall provide a Spanish translation to those candidates who wish to have one, and shall select a person to provide that translation who is one of the persons listed in paragraph (2) of subdivision (b).

(d) The local agency may estimate the total cost of printing, handling, translating, mailing, and electronically distributing candidate's statements filed pursuant to this section, including costs incurred as a result of complying with the federal Voting Rights Act of 1965, as amended. The local agency may require each candidate filing a statement to pay in advance to the local agency his or her estimated pro rata share as a condition of having his or her statement included in the county voter information guide or electronically distributed. In the event the estimated payment is required, the receipt for the payment shall include a written notice that the estimate is just an approximation of the actual cost that varies from one election to another election and may be significantly more or less than the estimate, depending on the actual number of candidates filing statements. Accordingly, the local agency is not bound by the estimate and may, on a pro rata basis,

bill the candidate for additional actual expense or refund any excess paid depending on the final actual cost. In the event of underpayment, the local agency may require the candidate to pay the balance of the cost incurred. In the event of overpayment, the local agency that, or the elections official who, collected the estimated cost shall prorate the excess amount among the candidates and refund the excess amount paid within 30 days of the election.

(e) This section shall not be deemed to make any statement, or the authors of any statement, free or exempt from any civil or criminal action or penalty because of any false, slanderous, or libelous statements offered for printing electronic distribution pursuant to this section or contained in the county voter information guide.

(f) Before the nominating period opens, the local agency for that election shall determine whether a charge shall be levied against that candidate for the candidate's statement sent to each voter and, if authorized pursuant to subdivision (c), for the electronically distributed candidate's statement. This decision shall not be revoked or modified after the seventh day before the opening of the nominating period. A written statement of the regulations with respect to charges for handling, packaging, mailing, and electronic distribution shall be provided to each candidate or his or her representative, at the time he or she picks up the nomination papers.

(g) For purposes of this section and Section 13310, the board of supervisors is the governing body of judicial elections.

SEC. 72. Section 13307.5 of the Elections Code is amended to read:

13307.5. A candidate for United States Representative may purchase the space to place a statement in the voter information portion of the county voter information guide that does not exceed 250 words. The statement shall not refer to any opponent of the candidate. The statement shall be submitted in accordance with the timeframes and procedures set forth in this code for the preparation of the voter information portion of the county voter information guide.

SEC. 73. Section 13312 of the Elections Code is amended to read:

13312. Each county voter information guide prepared pursuant to Section 13307 shall contain a statement in the heading of the first page in heavy-faced gothic type, not smaller than 10-point, that each candidate's statement in the county voter information guide is volunteered by the candidate, and, if printed at the candidate's expense, is printed at his or her expense.

SEC. 73.5. Section 13312 of the Elections Code is amended to read:

13312. (a) Each county voter information guide prepared pursuant to subdivision (b) Section 13307 shall contain a notice in the heading of the first page, not smaller than 10-point type, that specifies both of the following:

(1) That the county voter information guide does not contain a complete list of candidates and that a complete list of candidates appears on the sample ballot (if any candidate is not listed in the county voter information guide).

(2) That each candidate's statement in the county voter information guide is volunteered by the candidate and (if printed at the candidate's expense) is printed at his or her expense.

(b) If a local agency has authorized each candidate for nonpartisan elective office to prepare a candidate's statement for the purpose of electronic distribution pursuant to subdivision (c) of Section 13307, and if a candidate has submitted a statement for that purpose, the notice required by subdivision (a) shall specify that additional statements are available on the Internet Web site of the elections official and shall include the Internet Web site address at which the statements may be viewed.

SEC. 74. Section 13314 of the Elections Code is amended to read:

13314. (a) (1) An elector may seek a writ of mandate alleging that an error or omission has occurred, or is about to occur, in the placing of a name on, or in the printing of, a ballot, county voter information guide, state voter information guide, or other official matter, or that any neglect of duty has occurred, or is about to occur.

(2) A peremptory writ of mandate shall issue only upon proof of both of the following:

(A) That the error, omission, or neglect is in violation of this code or the Constitution.

(B) That issuance of the writ will not substantially interfere with the conduct of the election.

(3) The action or appeal shall have priority over all other civil matters.

(4) The Secretary of State shall be named as a respondent or a real party in interest in any proceeding under this section concerning a measure or a candidate described in Section 15375, except for a candidate for judge of the superior court.

(b) Venue for a proceeding under this section shall be exclusively in Sacramento County in any of the following cases:

(1) The Secretary of State is named as a real party in interest or as a respondent.

(2) A candidate for statewide elective office is named as a party.

(3) A statewide measure that is to be placed on the ballot is the subject of the proceeding.

SEC. 75. Section 13315 of the Elections Code is amended to read:

13315. The officer charged with the duty of providing county voter information guides for an election at which vote by mail voter ballots may be cast shall cause to be printed on the envelope containing the county voter information guide in heavy-faced gothic type, not smaller than 12-point, the following:

Notice: Vote By Mail Ballot Application Enclosed.

SEC. 76. Section 13316 of the Elections Code is amended to read:

13316. Notwithstanding any other law to the contrary, a county, city, city and county, or district using voting machines may use reasonable facsimiles of the county voter information guides sent to the voters of the local jurisdiction as vote by mail ballots.

SEC. 77. Section 13317 of the Elections Code is amended to read:

13317. Notwithstanding any other law to the contrary, a county, city, city and county, or district using vote tabulating devices may use reasonable facsimiles of the county voter information guides sent to the voters of the local jurisdiction as vote by mail ballots.

SEC. 78. Section 14219 of the Elections Code is amended to read:

14219. The precinct board shall provide, upon request, to a voter for use in the voting booth or compartment, a copy of the facsimile ballot containing ballot measures and instructions printed in Spanish or in other languages, as required by Section 14201, unless county voter information guides and ballots for voting are already being provided in that language under the federal Voting Rights Act of 1965, as amended by Public Law 94-73.

SEC. 79. Section 18301 of the Elections Code is amended to read:

18301. In addition to any other penalty, a person who prints or otherwise duplicates, or causes to be printed or duplicated, a simulated ballot or simulated county voter information guide that does not contain the statement required by Section 20009, or that uses an official seal or insignia in violation of Section 20009, is guilty of a misdemeanor.

SEC. 80. Section 18390 of the Elections Code is amended to read:

18390. An agency or department of the state shall not use its publications to advise state employees of a constitutional officer's choice of candidates for public office or for recommending positions on specific ballot propositions not related to the functions of that agency or department.

For purposes of this section "publications" means any written or printed matter including, but not limited to, agency or department memorandums or directives, but shall not include legislative newsletters or state voter information guides.

A state officer who violates this section is guilty of a misdemeanor.

SEC. 81. Section 19202 of the Elections Code is amended to read:

19202. (a) Except as authorized by Section 19209, a voting system, in whole or in part, shall not be used unless it has been certified or conditionally approved by the Secretary of State prior to any election at which it is to be used.

(b) A voting system that has been tested and approved for use in all elections by the Secretary of State before January 1, 2014, shall be deemed certified or conditionally approved by the Secretary of State and may be used in an election subject to any conditions placed on the use of the voting system by the Secretary of State before January 1, 2014, including conditions imposed in the reapproval documents issued by the Secretary of State in 2007 and 2008 following the Top-to-Bottom Review, and its subsequent revisions. The voting systems described in this subdivision shall remain subject to review and decertification by the Secretary of State at any time pursuant to Section 19232.

(c) A vendor or county, upon obtaining federal qualification on or before April 28, 2016, may request approval of the voting system from the Secretary of State based on the examination and review requirements in place before January 1, 2014.

(d) A jurisdiction shall not purchase or contract for a voting system unless it has been certified or conditionally approved by the Secretary of State.

(e) Notwithstanding subdivision (d), a local jurisdiction may contract and pay for the following:

(1) Research and development of a new voting system that has not been certified or conditionally approved by the Secretary of State and uses only nonproprietary software and firmware with disclosed source code, except for unmodified commercial off-the-shelf software and firmware, as defined in paragraph (1) of subdivision (a) of Section 19209.

(2) Manufacture of the minimum number of voting system units reasonably necessary for either of the following purposes:

(A) To test and seek certification or conditional approval of the voting system pursuant to Sections 19210 to 19214, inclusive.

(B) To test and demonstrate the capabilities of the voting system in a pilot program pursuant to paragraph (2) of subdivision (b) of, and subdivision (c) of, Section 19209.

SEC. 82. Section 19321 of the Elections Code is amended to read:

19321. The elections official shall affix ballot labels to the machines to correspond with the county voter information guide for the election. He or she shall employ competent persons to assist him or her in affixing the labels and in putting the machines in order. Each machine shall be tested to ascertain if it is operating properly.

SEC. 83. Section 19323 of the Elections Code is amended to read:

19323. The elections official shall deliver to the polling place the supplies necessary to conduct the election, including two county voter information guides, one envelope containing the seal for sealing the machine after the polls are closed, one envelope for the return of the keys, and as many copies of the statement of votes cast as are necessary.

SEC. 84. Section 20009 of the Elections Code is amended to read:

20009. (a) Every simulated ballot or simulated county voter information guide shall bear on each surface or page thereof, in type or lettering at least half as large as the type or lettering of the statement or words or in 10-point roman type, whichever is larger, in a printed or drawn box and set apart from any other printed matter, the following statement:

“NOTICE TO VOTERS

“(Required by Law)

“This is not an official ballot or an official county voter information guide prepared by the county elections official or the Secretary of State.

“This is an unofficial, marked ballot prepared by ____ (insert name and address of the person or organization responsible for preparation thereof).”

This section shall not be construed as requiring this notice in any editorial or other statement appearing in a regularly published newspaper or magazine other than a paid political advertisement.

(b) A simulated ballot or simulated county voter information guide referred to in subdivision (a) shall not bear an official seal or the insignia of a public entity, and that seal or insignia shall not appear upon the envelope in which it is mailed or otherwise delivered.

(c) The superior court, in a case brought before it by a registered voter, may issue a temporary or permanent restraining order or injunction against the publication, printing, circulation, posting, or distribution of any matter in violation of this section, and all cases of this nature shall be in a preferred position for purposes of trial and appeal, so as to assure the speedy disposition of cases of this nature.

SEC. 85. (a) Section 12.5 of this bill incorporates amendments to Section 3019.5 of the Elections Code proposed by both this bill and AB 2089. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2017, (2) each bill amends Section 3019.5 of the Elections Code, and (3) this bill is enacted after AB 2089, in which case Section 12 of this bill shall not become operative.

(b) Section 71.5 of this bill incorporates amendments to Section 13307 of the Elections Code proposed by both this bill and AB 2010. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2017, (2) each bill amends Section 13307 of the Elections Code, and (3) this bill is enacted after AB 2010, in which case Section 71 of this bill shall not become operative.

(c) Section 73.5 of this bill incorporates amendments to Section 13312 of the Elections Code proposed by both this bill and AB 2010. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2017, (2) each bill amends Section 13312 of the Elections Code, and (3) this bill is enacted after AB 2010, in which case Section 73 of this bill shall not become operative.

SEC. 86. Sections 5 and 9 of this act shall become operative only if the Secretary of State certifies that the state has a statewide voter registration database that complies with the requirements of the federal Help America Vote Act of 2002 (52 U.S.C. Sec. 20901 et seq.).